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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,340	11/27/2001	Robert Vanstory Teeple	P50-0071	9659
75	590 06/09/2003			
Michelin North America, Inc.			EXAMINER	
P.O. Box 2026	perty Department	·	FISCHER, JUSTIN R	
Greenville, SC 29602			ART UNIT	PAPER NUMBER
		•	1733	7
	•		DATE MAILED: 06/09/2003	1

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No.	:				<u>mk-</u>				
### Diffice Action Summary    Examiner			Application No.	Applicant(s)					
Justin R Fischer   1733   Justin R Fischer   1733   Justin R Fischer   1733   Justin R Fischer   1733   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.   The MAILING DATE OF THIS COMMUNICATION.   The MAILING DATE OF THIS COMMUNICATION.   The pared for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered streety. If NO protect for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered streety.   The pared for reply specified above, the material value protection all gains and the specified and the pared for reply specified above. It is made to the communication.   The pared for reply specified above, the material value protection and the pared to reply specified and the pared to reply specified and the pared to reply specified and the pared to reply the pared to reply the pared to reply specified and the pared to reply the pared to reply specified and the pared to reply to the Cartified copies of the priority documents have been received in Application No	·		09/995,340	TEEPLE ET AL					
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CR1 13(6). In no event, however, may a reply be timely field after 50.6 (a) MONTHS from the mailing date of this communication.  It NO perceive or early segment above, the maximum statutory period stagley and will expert as K(8) MONTHS from the mailing date of this communication.  Fallow be reply within the sell or extended period for reply will, by statutor, cause the application to become ARAHOONED (35 LS. § 133). Any reply received by the Office aller than three mornish sets he natiling date of this communication, even if timely fred, may reduce any sexand patient sense place to the communication, even if timely fred, may reduce any sexand place to the sense of the communication, even if timely fred, may reduce any sexand place term adjustment. See 57 CR4 1.049().  Status  1)  Responsive to communication(s) filled on 27 November 2001.  2a) This action is FINAL.  2b) This action is non-final.  3] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4  Claim(s) 1-10 is/are pending in the application.  4a) Of the above claim(s) is/are ellowed.  6] Claim(s) is/are allowed.  6] Claim(s) is/are allowed.  7] Claim(s) is/are allowed.  8] Claim(s) 1-10 are subject to restriction and/or election requirement.  Application Papers  9 The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: a) accepted or bill objected to by the Examiner.  If approved, corrected drawings are required in reply to this office action.  12) The eath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13]			appears on the c ver she	et with the correspondence add	fress				
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Application/Control Number: 09/995,340

Art Unit: 1733

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- (a) a radial tire construction having a first, axially inner ply that encompasses a bead wedge insert and extends radially above a bead core and a second, axially outer ply that engages the radially inner end of said bead wedge insert (Figure 1)
- (b) a radial tire construction having a first, axially inner ply that encompasses a bead wedge insert and extends radially above a bead core and a second, axially outer ply that is not turned around the bead and terminates at approximately the radial height of the bead core (Figure 2)
- (c) a radial tire construction having a first, axially outer ply that encompasses a bead wedge insert and extends radially above a bead core and a second, axially inner ply that is not turned around the bead and terminates at approximately the radial height of the bead core (Figure 3)
- (d) a radial tire construction having a first, axially inner reinforcing ply and a second, axially outer reinforcing ply, each of which has a turnup portion that is folded upon itself (Figure 4)
- (e) a radial tire construction having a single reinforcing ply that encompasses a bead wedge insert and terminates in the shoulder region (Figure 5)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims to all of the species.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and <u>a listing of all claims</u> readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Martin Farrell on June 4, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

## Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(703) 605-4397**. The examiner can normally be reached on M-F (7:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Justin Fischer

June 6, 2003

STEVEN D. MAKI PRIMARY EXAMINER

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